

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JAMES COOTS,

:

Petitioner,

v.

Case No. 3:15-cv-216

TERRY TIBBALS, Warden,

London Correctional Institution,

:

JUDGE WALTER H. RICE

Respondent.

:

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #8);
DISMISSING PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS (DOC. #3) WITH PREJUDICE; JUDGMENT TO
ENTER IN FAVOR OF RESPONDENT AND AGAINST PETITIONER;
DENYING CERTIFICATE OF APPEALABILITY AND LEAVE TO APPEAL
IN FORMA PAUPERIS; TERMINATION ENTRY

Based on the reasoning and citations of authority set forth by Magistrate Judge Merz, in his October 22, 2015, Report and Recommendations, Doc. #8, as well as upon a thorough *de novo* review of this Court's file and the applicable law, this Court ADOPTS said judicial filing in its entirety. Although Petitioner was informed of his right to file Objections to the Report and Recommendations, and of the consequences of failing to do so, no Objections have been filed within the time allotted.

The Petition for a Writ of Habeas Corpus, Doc. #3, is DISMISSED WITH PREJUDICE, because Petitioner procedurally defaulted on all of his grounds for relief.

Given that Petitioner has not made a substantial showing of the denial of a constitutional right and, further, that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be objectively frivolous, Petitioner is denied a certificate of appealability, and is denied leave to appeal *in forma pauperis*.

Judgment will be entered in favor of Respondent and against Petitioner.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: November 19, 2015



WALTER H. RICE
UNITED STATES DISTRICT JUDGE